

**MEMO ENDORSED**

**hendersonPARKS**

The Marquette Building  
140 South Dearborn Street | Suite 1020 | Chicago, IL 60603  
T 312.262.2900 | F 312.262.2901  
Henderson Parks, LLC | [www.henderson-parks.com](http://www.henderson-parks.com)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/31/2023

October 31, 2023

**By ECF**

Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**RE: Defendant William Bynum's Request to Postpone Oral Argument and to File a Written Response In Opposition To The Government's Motion *In Limine* (USA v. William Bynum, S3 21 Cr. 603 (VEC)).**

Dear Judge Caproni:

Defendant William Bynum respectfully requests that the Court postpone oral argument on the Government's motion *in limine* to bar certain defense witnesses and exhibits (Dkt. 1111) until Monday, November 6, 2023, and for leave to file a written response to the Government's motion by Friday, November 3, 2023.<sup>1</sup>

The Government's motion *in limine* was filed at 11:03 p.m. CT on October 30, 2023/12:03 a.m. EST on October 31, 2023. As the Government is aware, Mr. Bynum's attorneys were traveling from Chicago to New York since first thing this morning and for a large portion of today, and were airborne when the Government disclosed its witness list for November 1, 2023. Counsel is utilizing this late afternoon and evening to prepare for the first day of trial. However, Mr. Bynum would like the opportunity to file a substantive response to the Government's motion (as well as time to adequately prepare for oral argument in addition to opening statements and the first day of trial testimony).

A ruling on the Government's motion is not urgent. With one exception (*i.e.*, DX5 – DX9), the witnesses and exhibits at issue pertain to the defense case, which, based on the Government's representations as to timing, is not expected to commence until Tuesday, November 7, 2023 at the earliest. As to DX5 – DX 9, Mr. Bynum does not intend to use those exhibits on November 1, 2023. Once the Government discloses which witnesses it intends to call on November 2, 2023, he will be able to evaluate whether he intends to use those exhibits. If so, Mr. Bynum will file a response as to DX5 – DX9 on November 1, 2023.

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<sup>1</sup> Should trial proceed on Friday, November 3, Mr. Bynum requests that his response be due Saturday, November 4, 2023.

As to the Government's request to "preclude[] [the defense] from opening on any of the witnesses and exhibits" referenced in its motion, the defense does not intend to reference any of those witnesses or exhibits in opening. Mr. Bynum's counsel intends to state that Mr. Bynum received services at Sports Rehab LA (aka Advanced Chiropractic Rehab Center) during opening, but evidence of that besides the text messages at issue will be elicited during trial.

Accordingly, Mr. Bynum requests that the Court postpone oral argument to Monday, November 6, 2023, and permit him to file a written response to the Government's motion *in limine*. Thank you for your consideration.

Respectfully submitted,

By: /s/ Victor P. Henderson

Victor P. Henderson  
Rebecca R. Kaiser  
Colin Quinn Commito  
HENDERSON PARKS, LLC  
140 South Dearborn Street, Suite 1020  
Chicago, Illinois 60603  
vphenderson@henderson-parks.com  
rkfournier@henderson-parks.com  
ccommito@henderson-parks.com

Enclosures  
cc: All Counsel of Record (by ECF)

To the extent that Mr. Davis intends to introduce any evidence or make any argument that is the subject of the Government's motions *in limine* tomorrow, November 1, 2023, he must be prepared for oral argument tomorrow, November 1, 2023, at 9:15 A.M.

If Mr. Davis does not intend to do so, the Court will not hold oral argument tomorrow, and will instead set a briefing schedule during the conference tomorrow, November 1, 2023, at 9:15 A.M.

SO ORDERED.



10/31/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE